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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
PATRICK G. PLUMMER,

Plaintiffs,

-against-

AVANTEUSA, LTD.,

Defendant.
----- X

:
: 08 Civ. 1465 (VM)
:

: ORDER
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:

VICTOR MARRERO, United States District Judge.

By Order dated May 15, 2008 the Court noted that although the complaint herein was filed on February 11, 2008, no service of process had been made on defendant, and directed plaintiff to inform the Court of the status of this matter and of plaintiff's contemplation with the respect to any further proceedings. The Court warned that in the event no timely response to that Order was received, the Court may dismiss the action for lack of prosecution. Plaintiff responded by letter dated May 15, 2008 stating that it expected to effect service on defendant prior to the expiration of the 120-day period provided by Rule 4(m) of the Federal Rules of Civil Procedure, which period expired on or about June 10, 2008. The Court's public file for this case contains no record that such service has been made nor of any further correspondence with the Court on this matter. Accordingly, it is hereby

ORDERED that the Clerk of Court is directed to dismiss the complaint herein without prejudice pursuant to Federal Rule of

Civil Procedure 4(m), and to close this case, provided that within ten (10) days of the date of this Order plaintiff may petition the Court to reinstate the action to the Court's active docket upon a showing of good cause or that service of process has been completed.

SO ORDERED.

Dated: New York, New York
25 July 2008

A handwritten signature in black ink, consisting of several fluid, connected loops and strokes, positioned above a horizontal line.

VICTOR MARRERO
U.S.D.J.